

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 14-27
VAR2014-0004 – 125 Pearl Street

WHEREAS, applicant Steve Nease, authorized agent for James C. Neaf, is requesting a variance from Table 34-3 of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 19-46-24-W4-00435.0000 and the legal description of the subject property is attached as Exhibit A; and

WHEREAS, the subject property, 125 Pearl Street, Fort Myers Beach is located in the 'Residential Conservation' zoning district of the Official Zoning Map and the 'Mixed Residential' category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on September 9, 2014; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

WHEREAS, a public hearing on this matter was legally advertised and held before the Town Council on November 3, 2014, at which time the Town Council gave full and complete consideration to the request of Applicant, the recommendations of Staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

The Town Council **APPROVES** the requested variance from the following section:

1. Table 34-3 to allow existing front and rear setback encroachments to remain to facilitate raising existing structure per FEMA floodplain requirements and addition of a rear deck that will not increase existing encroachment.

FINDINGS AND CONCLUSIONS:

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding approval of variance requests, the Town Council reaches the following findings and conclusions:

- A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, or the request is for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
- B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Andre and seconded by Council Member Mandel, and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor
Rexann Hosafros
Summer Stockton

AYE
NAY
NAY

Dan Andre, Vice Mayor
Alan Mandel

AYE
AYE

DULY PASSED AND ADOPTED THIS 3rd day of November, 2014.

By: _____

Anita Cereceda, Mayor

Approved as to legal sufficiency:

By: _____

Gray/Robinson
Town Attorney

ATTEST:

By: _____

Michelle Mayher
Town Clerk

EXHIBIT A
Legal Description

125 Pearl Street
VAR2014-0004

LOT 3, BLOCK "O" C.L. YENT'S UNRECORDED SUBDIVISION OF LOT 19, T.P. HILLS SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 84, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND PART OF LOTS 1 AND 2 OF SAID BLOCK "O" OF C.L. YENT'S SUBDIVISION, LESS THE FOLLOWING PART:

A TRACT OR PARCEL OF LAND, BEING PART OF LOTS 1 AND 2, BLOCK "O" C.L. YENT'S "UNRECORDED" SUBDIVISION OF LOT 19, T.P. HILLS SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 84, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PARCEL FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 19, T.P. HILLS SUBDIVISION, THENCE RUN NORTH ALONG THE WEST LINE OF SAID LOT 19 FOR 85.55'; THENCE RUN EAST 81.50' TO A POINT ON THE WEST EAST/WEST LINE OF PEARL STREET; THENCE RUN SOUTH ALONG SAID WEST LINE OF PEARL STREET 117.56' MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 19; THENCE RUN NORTH 68 DEGREES 33'30" WEST ALONG SAID SOUTHERLY LINE OF LOT 19, 87.56' MORE OR LESS TO THE POINT OF BEGINNING.

LOT 3 AND PARTS OF LOTS 1 AND 2, BLOCK "O" C.L. YENT'S UNRECORDED SUBDIVISION IS FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 19, OF T.P. HILLS SUBDIVISION, ACCORDING TO THE PLAT THEREOF IN PLAT BOOK 3, PAGE 84, THENCE NORTH 85.55 FEET TO THE POINT OF BEGINNING TO THE LANDS HEREIN DESCRIBED; THENCE CONTINUE NORTH 65.10 FEET; THENCE EAST 81.50 FEET TO THE POINT ON THE WEST RIGHT OF WAY LINE OF PEARL STREET; THENCE RUN SOUTH ALONG THE WEST LINE OF PEARL STREET 65.10 FEET; THENCE WEST 81.50 FEET TO THE POINT OF BEGINNING.